

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VICTOR LORENZANA,

Plaintiff,

vs.

DELTA AIR LINES, INC.,

Defendants.

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**NOTICE OF REMOVAL**

Civil No.

**TO: United States District Court  
Southern District of New York**

Pursuant to 28 U.S.C. §§ 1332(a) and 1441, *et seq.*, Defendant, DELTA AIR LINES, INC. by their attorneys, GERBER CIANO KELLY BRADY, LLP, submit this Notice of Removal from the Supreme Court for the State of New York, Bronx County, in which the above-captioned matter is now pending, to the United States District Court for the Southern District of New York.

As grounds for removal, the Defendant states the following:

**PROCEDURAL HISTORY**

1. Plaintiff, VICTOR LORENZANA, commenced this personal injury action in the Supreme Court for the State of New York, Bronx County, Index No.: 812733/2021E on or about September 21, 2021. A copy of the Summons and Complaint filed in State Court is attached hereto as **Exhibit A**.

2. Defendant, DELTA AIR LINES, INC. (“Delta”) received a copy of the state court summons and complaint on or about October 6, 2021.

3. Without admitting the veracity thereof, upon information and belief, Plaintiff will allege that he suffered personal injuries while lifting an object on Delta's construction site at LaGuardia Airport. It is anticipated that he will claim lost wages as well.

4. On or about October 13, 2021, Defendant served Plaintiff with a Demand pursuant to CPLR §3017(c) which required Plaintiff to state the total damages to which he claims he is entitled. A copy of the Demand is attached hereto as **Exhibit B**.

5. On or about February 16, 2022, Plaintiff served Defendant with his response to the Demand pursuant to CPLR §3017(c). Therein, Plaintiff claimed that he is entitled to \$7.5 million in damages for personal injuries and lost wages. A copy of the Response to the Demand is attached hereto as **Exhibit C**.

6. Without admitting the veracity of the claimed damages, which Defendant expressly contests, upon information and belief, if liability is established herein, the amount in controversy exceeds \$75,000.00.

7. This Notice of Removal is being filed within thirty (30) days after receipt of a pleading or other paper from which it may first be ascertained that the case is one which is removable and is therefore timely pursuant to 28 U.S.C. § 1446(b). Specifically, it has been filed with this Court within thirty (30) days after Defendant received a response to its CPLR §3017(c) demand for damages.

8. The instant Notice of Removal is being filed within one year of the commencement of suit.

#### **PARTIES**

9. This Court has jurisdiction over this matter because the parties are citizens of different States. See 28 U.S.C. § 1332(a).

10. Plaintiff is a resident of Bronx County, State of New York. *See* Ex. A, caption of the summons.

11. Defendant, DELTA AIR LINES, INC. is a Delaware corporation with its principal place of business in Georgia. Delta is therefore a citizen of Delaware and Georgia for the purposes of diversity jurisdiction.

12. Without admitting the veracity thereof, Plaintiff allegedly sustained personal injuries as well as a period of lost wages.

13. Accordingly, diversity exists because this is a civil action between citizens of different states. *See* 28 U.S.C. § 1332(a).

#### **BASIS FOR REMOVAL**

14. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the Federal District Court for the District in which the underlying State Court action was originally filed.

15. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332 in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

16. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being promptly served upon Plaintiff, by and through his attorney of record, and a copy of the Notice of Removal is being promptly filed with the Supreme Court for the State of New York, Bronx County.

WHEREFORE, the Defendant, DELTA AIR LINES, INC. removes this action from the Supreme Court for the State of New York, Bronx County, to this Honorable Court.

Dated: Garden City, New York  
March 16, 2022

Yours, etc.

**GERBER, CIANO, KELLY & BRADY**

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